

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Patrick James Helmick
Debtor(s)

Bankruptcy Case No.: 14-23383-GLT
Issued Per 1/19/2017 Proceeding
Chapter: 13
Docket No.: 68 – 60
Concil. Conf.: January 19, 2017 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 14, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,676.00 as of February, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 19, 2017 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 6 of One Main Financial .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: January 20, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Patrick James Helmick
 Debtor

Case No. 14-23383-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 30

Date Rcvd: Jan 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2017.

db
 13910222 +Patrick James Helmick, 91 Prestwick Drive, Greensburg, PA 15601-1329
 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Center, P.O. Box 14931, Pittsburgh, PA 15234)
 13910220 +Capital One, P.O. Box 30281, Salt Lake City, UT 84130-0281
 13910221 +Children's Community Pediatrics, 11279 Perry Highway, Suite 450, Wexford, PA 15090-9394
 13910223 +Colonial Acceptance Co, 312 Fallowfield Avenue, Charleroi, PA 15022-1405
 13910228 +FNB Consumer Discount, Atten: David Fitzpatrick, P.O. Box 2045, Uniontown, PA 15401-1645
 13910227 +FNB Consumer Discount, 6291 State Route 30, Greensburg, PA 15601-7597
 13910226 +Ferguson Funeral Home, 80 Morgantown Street, Uniontown, PA 15401-4294
 13910230 +KML Law Group, Atten: Michael T. McKeever, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 13910231 +Lakeview Loan Servicing, 4425 Ponce De Leon Blvd., Mailstop MS5/251,
 Coral Gables, FL 33146-1837
 13910235 +Mon Valley Hospital, 1163 Country Club Road, Monongahela, PA 15063-1095
 13910237 OneMail Financial, Bankruptcy Department, P.O. Box 140489, Irving, TX 75014-0489
 13974737 +Peoples Natural Gas Company, LLC, 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866, Attn: Dawn Lindner
 13910239 +Receivable Management Services, 240 Emery Street, Bethlehem, PA 18015-1980
 13910240 +Rita Helmick, 91 Prestwick Drive, Greensburg, PA 15601-1329

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13910219 +E-mail/Text: bankruptcy@rentacenter.com Jan 21 2017 01:45:28 Acceptance Now,
 5501 Headquarters Drive, Plano, TX 75024-5837
 13914563 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 21 2017 01:47:55
 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
 Oklahoma City, OK 73126-8941
 13910224 +E-mail/Text: ccusa@ccuhome.com Jan 21 2017 01:43:56 Credit Collections USA,
 16 Distributor Drive, Suite 1, Morgantown, WV 26501-7209
 13910229 E-mail/PDF: gecsed@recoverycorp.com Jan 21 2017 01:37:28 GE Capital Retail Bank,
 P.O. Box 960061, Orlando, FL 32896-0061
 13932380 E-mail/Text: camanagement@mtb.com Jan 21 2017 01:44:10 M&T BANK, PO BOX 1288,
 Buffalo, NY 14240-1288
 13910232 E-mail/Text: camanagement@mtb.com Jan 21 2017 01:44:10 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182
 13910233 E-mail/Text: camanagement@mtb.com Jan 21 2017 01:44:10 M&T Bank, P.O. Box 900,
 Millsboro, D 19966
 13910234 +E-mail/Text: bankruptcydpt@mcmcg.com Jan 21 2017 01:44:37 Midland Funding,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 13910236 +E-mail/PDF: cbp@onemainfinancial.com Jan 21 2017 01:37:29 OneMail Financial,
 6801 Colwell Blvd, Irving, TX 75039-3198
 13946073 E-mail/PDF: cbp@onemainfinancial.com Jan 21 2017 01:37:04 OneMain Financial, Inc,
 P O Box 6042, Sioux Falls, SD 57117-6042
 13958429 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 21 2017 01:57:53
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 13910238 E-mail/Text: bankruptcy@psecu.com Jan 21 2017 01:45:11 PSECU, P.O. Box 67013,
 Harrisburg, PA 17106-7013
 13910242 +E-mail/PDF: gecsed@recoverycorp.com Jan 21 2017 01:37:15 Synchrony Bank/Lowe's,
 P.O. Box 965005, Orlando, FL 32896-5005
 13910243 +E-mail/Text: rmcbkntices@wm.com Jan 21 2017 01:45:14 Waste Management,
 2625 W. Grandview Road, Suite 150, Phoenix, AZ 85023-3109
 13938074 +E-mail/Text: bankruptcy@firstenergycorp.com Jan 21 2017 01:44:44 West Penn Power,
 1310 Fairmont Ave, Fairmont WV 26554-3526

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Lakeview Loan Servicing, LLC
 13910241* +Rita Helmick, 91 Prestwick Drive, Greensburg, PA 15601-1329
 13910225 ##+Dr. Dennis A. Perry, 1 Twilight Hollow Road, Charleroi, PA 15022-9500

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 30

Date Rcvd: Jan 20, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 20, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Lakeview Loan Servicing, LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com
Matthew John McClelland on behalf of Creditor Lakeview Loan Servicing, LLC
bkgroup@kmlawgroup.com
Matthew R. Schimizzi on behalf of Debtor Patrick James Helmick mrs@schimizzilaw.com,
G16143@notify.cincompass.com;lms@schimizzilaw.com;rws@schimizzilaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Richard W. Schimizzi on behalf of Debtor Patrick James Helmick rws@schimizzilaw.com,
mrs@schimizzilaw.com;G16143@notify.cincompass.com;lms@schimizzilaw.com
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 8